

- validity, and the August 3, 2019 Deposition of Dr. Carbonell (collectively, “Dr. Carbonell’s Expert Testimony”). Mr. McAlexander will not offer opinions that go beyond the parameters and scope of Dr. Carbonell’s Expert Testimony. Mr. McAlexander shall be a replacement for Dr. Carbonell, not an additional expert witness;
3. Given that Mr. McAlexander will adopt Dr. Carbonell’s Expert Testimony, Amazon shall not, either at deposition or at trial, inquire as to how Mr. McAlexander would or could have done things differently;
 4. Mr. McAlexander shall be presented as a live witness in Semcon’s case-in-chief at trial and may be examined by Semcon regarding the opinions set forth in Dr. Carbonell’s Expert Testimony;
 5. During trial, Amazon may, where appropriate, attempt to impeach Mr. McAlexander using the deposition of Dr. Carbonell;
 6. Amazon is prohibited from presenting testimony from Dr. Carbonell’s deposition in its case-in-chief at trial, as Mr. McAlexander will be both present and available at trial;
 7. All of Amazon’s *Daubert* objections as to Dr. Carbonell are preserved for appeal without limitation; and
 8. Nothing in this Order precludes Semcon from seeking leave to serve a supplemental expert report by Mr. McAlexander addressed to the Amazon products containing NXP/Freescale System-on-Chips.

The Parties respectfully request the Court provide an informative instruction to the jury explaining Mr. McAlexander's role as a substitute for Dr. Carbonell at the time he is called as a witness.

Semcon seeks this motion for leave for good cause, and not for purposes of delay.

Dated: September 13, 2019

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF,
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on September 13, 2019, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Alfred R. Fabricant

Alfred R. Fabricant